

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of ANTHONY N. SLEEP  
and DEVRA NICOLE SLEEP, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHIRLEY MAE SLEEP,

Respondent-Appellant,

and

LORENZO VANCE and RICK CARTWRIGHT,

Respondents.

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UNPUBLISHED

February 16, 1999

No. 205376

Wayne Juvenile Court

LC No. 85-203989

Before: Murphy, P.J., and MacKenzie and Talbot, JJ.

PER CURIAM.

Respondent-appellant (hereafter “respondent”) appeals by delayed leave granted the juvenile court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(c)(i), (g) and (j). We affirm.

Respondent’s various due process claims were not raised below and, therefore, are not preserved for appeal. *Booth Newspapers, Inc v University of Michigan Bd of Regents*, 444 Mich 211, 234; 507 NW2d 422 (1993). In any event, we find no merit to respondent’s claims. Due process does not prevent the admission of hearsay testimony where the evidence is otherwise fair, reliable, and trustworthy. *In re Ovale*, 140 Mich App 79, 82; 363 NW2d 731 (1985). Here, respondent does not contend that the evidence admitted at the permanent custody hearing was not fair, reliable, and trustworthy. Also, there is no right to a jury determination at a proceeding in which termination of parental rights is sought. MCR 5.974(A)(3). Cf. *In re Colon*, 144 Mich App 805, 817-

819; 377 NW2d 321 (1985). Contrary to what respondent argues, the constitutional right to a jury trial, US Const, Am VII; Const 1963, art 1, § 14, does not extend to proceedings in the probate or juvenile court. *In re Martin*, 200 Mich App 703, 719 n 5; 504 NW2d 917 (1993). Nor were respondent's due process rights violated by the failure to timely hold a permanency planning hearing where respondent was provided a full hearing and an opportunity to be heard before her parental rights were terminated. See *In re Kirkwood*, 187 Mich App 542, 546; 468 NW2d 280 (1991). Lastly, respondent's claim that her plea of admission at the adjudicatory stage was not knowingly and voluntarily made is not properly before this Court because respondent may not collaterally attack the juvenile court's exercise of jurisdiction. *In re Hatcher*, 443 Mich 426, 439; 505 NW2d 834 (1993); *In re Powers*, 208 Mich App 582, 587; 528 NW2d 799 (1995).

Next, the juvenile court did not clearly err in finding that reasonable efforts were made by the petitioner toward reuniting respondent with the children and that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, respondent failed to show that termination of her parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the juvenile court did not err in terminating respondent's parental rights to the children. *Id.*

Affirmed.

/s/ William B. Murphy  
/s/ Barbara B. MacKenzie  
/s/ Michael J. Talbot